



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3009945

Applicant Name: Harley Mattson for BP West Coast Products

Address of Proposal: 2200 Fourth Avenue South

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a new 2,132 sq. ft. convenience store and gas station and 1,855 sq. ft. canopy with three pump islands. Remove three existing 10,000 gallon fuel tanks and replace with two tanks (20,000 and 12,000 gallons).

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Proposal Description

The proposed project includes demolition of the existing convenience store and gasoline fueling canopy and construction of a new 2,132 square foot convenience store and detached fueling canopy. The existing four gasoline dispensers would be replaced with three new multi-product gasoline dispensers (six fueling positions). The three existing underground storage tanks (UST's) and associated vapor recovery and product piping would be removed and replaced with one, new 20,000 gallon unleaded tank and one, new 12,000 gallon premium unleaded tank with new product and vapor recovery piping. The existing driveways to South Walker Street and Fourth Avenue South would be reconstructed and the sidewalk would be replaced along Fourth Ave. S. Street trees would be placed along Fourth Ave. S.

Site and Vicinity Description

The site, 2200 Fourth Avenue South, lies at the southeast corner of the Fourth Avenue South and South Walker St. intersection. Zoned General Industrial One, the property has an unlimited or 85 foot height limit depending upon land uses (IG1 U85). Currently, an AM PM service station and convenience store occupies the site with a canopy sheltering the fueling stations. Access to the station occurs from both Fourth Ave. S. and S. Walker St. The applicant proposes to expand the size of the convenience store and fuel station canopy along with replacing the underground storage tanks. The convenience store lies toward the southern part of the site with an area for queuing and parking on the north closest to the intersection. A new sidewalk, curb and gutter will be added to Fourth Ave. S.

In general, development in the vicinity reflects principally industrial and warehouse uses. Parcels surrounding the site are zoned similarly and an industrial zoning classification extends from Elliott Bay on the west to Interstate 5 on the east. The stadium overlay begins one block to the north at South Holgate St. The industrial zone follows the Duwamish River to the south.

Public Comments

One comment letter was received during the public comment period which ended on March 11, 2009. The letter, from the State of Washington Department of Ecology, discusses the regulations the applicant must follow when closing underground storage tanks.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist dated December 8, 2008, and supplemental information in the project file submitted by the applicant's agent. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

Seattle Municipal Code (SMC) Section 25.05.665(D), the SEPA Overview Policy, clarifies the relationship among codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Per SMC 25.05.665 D 1-7, mitigation can be considered for specified limitations and/or circumstances. Therefore, a more detailed discussion of some of the anticipated impacts is appropriate.

Short - Term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during construction; potential soil erosion during excavation and general site work; increased runoff; tracking of mud onto adjacent streets by construction vehicles; increased demand on traffic and parking from construction equipment and

personnel; conflict with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, obstruction of the rights-of-way during construction, construction along the street right-of-way, and sidewalk repair); Building Code (construction standards in general); and Noise Ordinance (construction noise that is permitted in the city). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of potential adverse impacts. Thus, mitigation pursuant to SEPA is not necessary for these impacts.

Air Quality

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. In order to ensure that PSCAA will be notified of the proposed demolition, a condition will be included pursuant to SEPA authority under SMC 25.05.675A which requires that a copy of the PSCAA permit be attached to the demolition permit, prior to issuance. This will assure proper handling and disposal of asbestos.

Long - Term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased bulk and scale on the site; increased traffic and parking demand due to expanded business; minor increase in airborne emissions resulting from additional traffic; minor increase in ambient noise due to increased human activity; increased demand on public services and utilities; and increased energy consumption.

Environmental Health

The removal of underground storage tanks (USTs) would involve decommissioning and removal of the USTs and, as necessary, removal/containment of contaminated soils.

Potential mitigation measures necessary as a result of the proposed project could include the following:

- Execute an Integrated Clean-up Plan with the Department of Ecology.
- Conduct site cleanup in accordance with applicable Model Toxic Control Act requirements.
- In order to prevent potential future releases of contaminants to the soil or groundwater, remove any existing fuel within the existing UST prior to decommissioning and removing the UST from the site, and either remove or contain contaminated soils consistent with provisions of the approved Integrated Clean-up Plan. The USTs shall be decommissioned and removed by a licensed UST removal contractor in accordance with WAS 173-360 once they are uncovered.

- A state certified UST site assessor or professional engineer (PE) would need to be on site during removal to perform soil sampling for potential petroleum hydrocarbon contamination in the vicinity of the UST formerly located on the eastern edge of the property. If necessary, perform cleanup in accordance with applicable MTCA requirements. The site assessor would also need to prepare a UST site assessment report for submittal to the Western State Department of Ecology.
- In the event that contaminated soils are encountered on site, proper precautions, including the following, will be taken in the event contaminated soils are discovered:
 - require contractors present at the site to have health and safety plans in place that address the risks of encountering contaminated soils;
 - require excavation contractors to have 40-hour HAZWOPER trained individuals available, if necessary, to excavate contaminated soils;
 - have an environmental consulting firm on retainer to oversee any work that becomes necessary in response to contaminated soils; and
 - comply with all applicable laws and regulations in the handling, removal, transport, and disposal of any contaminated soils.

With implementation of the mitigation measures considered in the Addendum, no significant unavoidable adverse environmental health-related impacts are anticipated.

Greenhouse Gas

Longer term impacts, operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Traffic and Parking

Access from Fourth Ave. S. and S. Walker St. would not change in the proposal. The expansion, however, would eliminate two of the current five parking spaces. Due to the reduction in the number of fueling station from eight positions to six, the number of vehicle trips may be reduced. However, the greater efficiency of the new fueling stations and the larger convenience store may off-set the loss of the two fueling stations. No further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.030)

The identified long-term impacts are typical of industrial development and are not considered significant because they are within the scope of those impacts anticipated by the zoning and/or are relatively minor in scope. The use is consistent with the current zoning and compatible with the surrounding commercial uses. Codes and development regulations applicable to this proposed project will provide sufficient mitigation of long term impacts.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency and was based on a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 (2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS SEPA

Prior to Issuance of a Demolition, Grading, or Building Permit

1. Attach a copy of the PSCAA demolition permit to the building permit set of plans.
2. Execute an Integrated Clean-up Plan with the Department of Ecology.

During Construction

3. Mitigation measures necessary as a result of the proposed project could include the following:
 - Conduct site cleanup in accordance with applicable Model Toxic Control Act requirements.
 - In order to prevent potential future releases of contaminants to the soil or groundwater, remove any existing fuel within the existing UST prior to decommissioning and removing the UST from the site, and either remove or contain contaminated soils consistent with provisions of the approved Integrated Clean-up Plan. The USTs shall be decommissioned and removed by a licensed UST removal contractor in accordance with WAS 173-360 once they are uncovered.
 - A state certified UST site assessor or professional engineer (PE) would need to be on site during removal to perform soil sampling for potential petroleum hydrocarbon contamination in the vicinity of the UST formerly located on the eastern edge of the property. If necessary, perform cleanup in accordance with applicable MTCA requirements. The site assessor would also need to prepare a UST site assessment report for submittal to the Western State Department of Ecology.
 - In the event that contaminated soils are encountered on site, proper precautions, including the following, will be taken in the event contaminated soils are discovered:
 - require contractors present at the site to have health and safety plans in place that address the risks of encountering contaminated soils;

- require excavation contractors to have 40-hour HAZWOPER trained individuals available, if necessary, to excavate contaminated soils;
- have an environmental consulting firm on retainer to oversee any work that becomes necessary in response to contaminated soils; and
- comply with all applicable laws and regulations in the handling, removal, transport, and disposal of any contaminated soils.

Signature: _____ (signature on file) Date: August 3, 2009

Bruce P. Rips, Senior Land Use Planner
Department of Planning and Development

BPR:lc

H:\ripsb\SEPA\Dec.3009945 2200 4th Ave. S.doc